

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRL HOLDINGS, INC., :
Plaintiff, : 05 Civ. 5888 (JGK) (DF)
-against- :
**REPORT AND
RECOMMENDATION**
CARLBERG DESIGN, INC., d/b/a RUGBY
AMERICA, LTD.; and CARLBERG GRAFIX, INC., :
Defendants. :
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TO THE HONORABLE JOHN G. KOELTL, U.S.D.J.:

Before this Court is a motion by plaintiff PRL Holdings, Inc. (“PRL”) to preclude defendants Carlberg Design, Inc. and Carlberg Grafix, Inc. (collectively, “Carlberg”) from seeking damages in this case under 15 U.S.C. § 1120. (Dkt. 57.) Carlberg did not file a response to the motion, but rather confirmed to PRL that it is not, in fact, seeking any damages under Section 1120.¹ Under the circumstances, I respectfully recommend that PRL’s motion (Dkt. 57) be denied as moot.

* * *

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Such objections, and any responses to objections, shall be filed with the Clerk of Court, with courtesy copies delivered to the chambers of the Honorable John G. Koeltl, United States Courthouse, 500 Pearl Street, Room 1030, New York, New York

¹ See Supplemental Declaration of David Saenz in Support of PRL USA Holdings, Inc.’s Motion To Preclude Defendants from Seeking Damages Under 15 U.S.C. § 1120, dated Aug. 15, 2008 (Dkt. 64), Ex. A.

10007, and to the chambers of the undersigned, United States Courthouse, 500 Pearl Street, Room 525, New York, New York, 10007. Any requests for an extension of time for filing objections must be directed to Judge Koeltl. FAILURE TO FILE OBJECTIONS WITHIN TEN (10) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *Wesolek v. Canadair Ltd.*, 838 F.2d 55, 58 (2d Cir. 1988); *McCarthy v. Manson*, 714 F.2d 234, 237-38 (2d Cir. 1983).

Dated: New York, New York
November 18, 2008

RESPECTFULLY SUBMITTED,



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

Hon. John G. Koeltl, U.S.D.J.

all counsel (via ECF)